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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,607	02/25/2005	Marc Schluter	071308.0975 (2002P13832WO)	7977
86528	7590	07/09/2009	EXAMINER	
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,607	Applicant(s) SCHLUTER ET AL.	
	Examiner JUNGWON CHANG	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to RCE filed on 4/27/09. Claims 17-37 are presented for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/09 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 17-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 17, 33 and 36, the phrase "may be" renders the claim indefinite because the phrase "may be" is an uncertainty.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 17-19 and 24-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kauhanen et al, (US 7,330,542).

7. As to claims 17 and 34, Kauhanen discloses the invention as claimed, including a method for transmitting user data objects from a data supply component to a terminal of a user, via a connection component (fig. 1), the method comprising:

providing a resulting profile information object which specifies process capabilities of said terminal and said connection component (col. 3, lines 36-55, “user capability...stream description may be a session description protocol description or a H.323 logical channel description”);

the terminal providing a first item of profile information that specifies which type of the user data object may be directly processed by the terminal (fig. 4, “INVITE SDP A; col. 10, lines 18-51);

inserting, in the resulting profile information, the first item of profile information (fig. 4; col. 3, lines 46-55; col. 9, line 62 – col. 10, line 12; col. 10, line 45 – col. 11, line 3); and

transmitting the user data objects of the type in accordance with the first item of profile information from the data supply component to the terminal via the connection component (fig. 4; col. 2, line 49 – col. 3, line 10).

8. As to claims 18 and 35, Kauhanen discloses a method for transmitting user data objects as claimed in claims 17 and 34, the method further comprising inserting a second item of profile information into the resulting profile information object which specifies which type of the user data objects may be converted by the connection component into the type of user data objects which may be processed by the terminal (fig. 4; col. 3, lines 46-55; col. 9, line 62 – col. 10, line 12; col. 10, line 45 – col. 11, line 3).

9. As to claims 19 and 36, Kauhanen discloses a method for transmitting user data objects as claimed in claims 18 and 35, further comprising transmitting the user data objects of the type in accordance with the second profile information from the data supply component to the terminal if no user data objects of the type in accordance with the first profile information may be provided by the data supply component (fig. 4; col. 2, line 49 – col. 3, line 10).

10. As to claim 24, Kauhanen discloses a method for transmitting user data objects as claimed in claim 17, wherein the terminal is located in a first telecommunication network and at least one of the data supply component and a further data supply

Art Unit: 2454

component connected thereto are located in a second telecommunication network, with the first and second telecommunication networks being connected to each other (fig. 3, "PS domain network", "CD domain network").

11. As to claim 25, Kauhanen discloses a method for transmitting user data objects as claimed in claim 24, wherein the connection component is arranged in one of the first and second telecommunication networks or is intended to connect the first and second telecommunication networks together (fig. 4; col. 3, lines 46-55; col. 9, line 62 – col. 10, line 12; col. 10, line 45 – col. 11, line 3).

12. As to claim 26, Kauhanen discloses a method for transmitting user data objects as claimed in claim 24, wherein the first telecommunication network is a mobile radio network which is operated in accordance with at least one of a GSM standard and a UMTS standard (col. 5, line 41- col. 6, line 18, "UMTS system...GSM network").

13. As to claim 27, Kauhanen discloses a method for transmitting user data objects as claimed in claim 26, wherein the user data objects are transmitted to the terminal in the first telecommunication network via a Wireless Session Protocol (col. 5, line 41- col. 6, line 50).

14. As to claim 28, Kauhanen discloses a method for transmitting user data objects as claimed in claim 24, wherein the second telecommunication network is a network

Art Unit: 2454

based on an Internet protocol in which data is transmitted via a Hypertext Transfer Protocol (col. 5, line 41- col. 6, line 18).

15. As to claim 29, Kauhanen discloses a method for transmitting user data objects as claimed in claim 17, wherein the terminal includes a radio module (col. 5, line 41- col. 6, line 18).

16. As to claim 30, Kauhanen discloses a method for transmitting user data objects as claimed in claim 29, wherein the terminal is one of a mobile telephone, a cordless telephone, a portable computer and a smartphone (col. 5, line 41- col. 6, line 18, "3G mobile terminal").

17. As to claim 31, Kauhanen discloses wherein the connection component is a WAP gateway a wireless network (fig. 1; col. 5, line 41- col. 6, line 18).

18. As to claim 32, Kauhanen discloses a method for transmitting user data objects as claimed in claim 17, wherein the user data objects include at least one of text information, audio information, video information, executable programs and software modules (col. 2, line 49—col. 3, line 10).

19. As to claim 33, it is rejected for the same reasons set forth in claim 17 above. In addition, Kauhanen discloses a data supply component (figs. 1, 3); a connection

Art Unit: 2454

component (col. 3, lines 36-55; col. 5, line 41- col. 6, line 18), and a terminal of a user (1, 11, fig. 4).

20. Claims 20-23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauhanen, in view of Yanosy (US 2004/0204073).

21. As to claims 20-23 and 37, although Kauhanen discloses a plurality of profiles (fig. 4; col. 3, lines 46-55; col. 9, line 62 – col. 10, line 12; col. 10, line 45 – col. 11, line 3), Kauhanen does not specifically disclose the first sub-profile information object by the second profile information to form a second sub-profile information object. Yanosy discloses the first sub-profile information object by the second profile information to form a second sub-profile information object (105, 106, fig. 6; 1408, fig. 15, “edit profile”; page 1, 0025; page 4, 0044). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kauhanen and Yanosy because Yanosy's teachings would allow the user dynamically to edit the profile information, as taught by Yanosy (page 4, 0044).

22. Applicant's arguments with respect to claims 17-37 have been considered but are moot in view of the new ground(s) of rejection.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2454

Saha et al, US 2003/0212827, Aho, US 2001/0010685, Matsuo, US 6,374,246 disclose method and system for transferring capability information of mobile device.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 6:30-2:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jungwon Chang/
Primary Examiner, Art Unit 2454
July 6, 2009